

de maximis. inc.

186 Center Street Suite 290 Clinton, NJ 08809 (908) 735-9315 (908) 735-2132 FAX

May 17, 2010

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn ATTN: Lower Passaic River Remedial Project Manager **Emergency and Remedial Response Division** U.S. EPA. Region 2 290 Broadway, 19th Floor New York, New York 10007

Re: Monthly Progress Report No. 36 – April 2010 Lower Passaic River Study Area (LPRSA) Remedial Investigation/ Feasibility Study (RI/FS) CERCLA Docket No. 02-2007-2009

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the abovecaptioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On April 3, CPG and EPA held a conference call to discuss objectives of a caged bivalve study.
- On Apri 6, CPG Modeling Team and EPA and contractors held a monthly Lower Passaic River/Newark Bay Modeling Program progress call.
- . On April 14, CPG, EPA and contractors held a conference call to discuss collection of additional data (settling velocity and grain size) during the spring 2010 Physical Water Column Monitoring (PWCM) survey.
- On April 26, CPG, EPA and contractors held a conference call to discuss the caged bivalve study and SOPs.

Ms. S. Vaughn LPRSA RI/FS - Progress Report No. 36 - April 2010 May 17, 2010 Page 2 of 5

 On April 28, CPG, EPA, and contractors held a conference call to discuss a 2010 Bathymetry Survey and schedule.

Correspondence

- On April 1, EPA provided comments on the draft CPG Data Usability Plan.
- On April 2, EPA's contractor provided a list of changes made to SEDZL-J Sediment Transport Model Code (now identified as SEDZL-JS).
- On April 6, CPG provided EPA an update on the blue crab split sample processing.
- On April 7, CPG notified EPA that it had retained the New York Academy
 of Sciences (NYAS) to conduct a a survey of the ongoing sources to the
 Lower Passaic River (LPR) using the methodology that was previously
 employed and documented in their report in the approach outlined in Safe
 Harbor: Bringing People and Science Together to Improve the New
 York/New Jersey Harbor, Collaborative Problem Solving Using An
 Industrial Ecology Approach, January 2008 that was implemented during
 the NYAS NY/NJ Harbor Project.
- On April 12, CPG uploaded Revision 5 of the PWCM QAPP to the PREmis database.
- On April 12, EPA notified the CPG that the EPA lab used for receiving split samples from the LPR and Newark Bay (NB) PWCM transect surveys would be closed during the week of April 25.
- On April 15, CPG submitted the March Progress Report to EPA.
- On April 15, EPA provided CPG a revised version of RCATOX code from EPA's contractor.
- On April 16, CPG uploaded the draft Risk Analysis and Risk Characterization (RARC) plan to the EPA PREmis Digital Library.
- On April 19, CPG provided a revised schedule for field activities for the April PWCM servicing event in response to the EPA lab closure schedule.
- On April 20, CPG submitted the Fish/Decapod QAPP Addendum No. 3 to EPA outlining the late spring/early summer fish community survey.
- On April 20, CPG submitted the Benthic QAPP Addendum No. 1 for the spring and summer benthic invertebrate community surveys to EPA.
- On April 26, CPG submitted the revised Fish/Decapod QAPP Fish Sampling and Composting Memorandum, Part 1 to EPA.
- On April 27, CPG submitted the Avian Survey QAPP Addendum to EPA.



Ms. S. Vaughn LPRSA RI/FS - Progress Report No. 36 – April 2010 May 17, 2010 Page 3 of 5

 On April 29, EPA provided CPG with bathymetry survey objectives for the requested 2010 Bathymetry Survey.

Work

- CPG continued the spring 2010 PWCM deployment with a servicing/ transect survey conducted April 28 through May 2.
- CPG Modeling Team initated work on the HydroQual SEDZL-JS Sediment Transport Model Code.
- CPG Modeling Team continued work on the SEDZL-J Sediment Transport Model Code.
- CPG continued reviewing the NB physical water column monitoring data collected by Sommerfield and Chant.
- CPG began reviewing data from a March 16 wet weather PWCM event.
- CPG continued reviewing the fall 2009 PCWM data.
- CPG continued planning and preparation activities for the Chemical Water Column Monitoring (CWCM) QAPP.
- CPG continued preparation of Risk Assessment Technical Memos as requested by EPA in comments on the approved Problem Formulation Document, Fish/Crab Tissue and Benthic Survey QAPPs.
- CPG completed work on the Risk Analysis and Risk Characterization Plan (RARC Plan), including Appendix A (COPC Selection Process Technical Memo) and Appendix B (Background Approach Technical Memo).

(b) Results of Sampling and Tests

- On April 9, updated sensor data from the 2009 fall PWCM moorings were submitted to EPA via the PREmis portal.
- On April 15, copies of raw preliminary sediment data collected pursuant to the 2009 Benthic Survey QAPP were submitted to EPA.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will continue the spring deployment of the PWCM program.
- CPG will conduct the second PWCM instrument servicing and transect event in mid May.



Ms. S. Vaughn LPRSA RI/FS - Progress Report No. 36 – April 2010 May 17, 2010 Page 4 of 5

- CPG will continue reviewing the fall 2009 PWCM data.
- CPG will continue planning activities for the CWCM QAPP.
- CPG will complete and submit in May the Field Sampling Plan Volume 2 (FSP2) plans for 2010 Benthic Tissue QAPP Addendum, 2010 Fish Tissue Collection (Mummichog) QAPP Addendum and 2010 Mummichog Collocated Sediment Sampling Benthic QAPP Addendum.
- CPG will complete and submit a Toxicity Reference Value (TRV) Technical Memo in May.
- CPG will complete and submit a revised sample analysis plan for fish (part 2) in May.
- CPG will complete and submit a Habitat Survey QAPP Addendum during the period.
- CPG will initiate FSP2 spring field work in late May.
- CPG Modeling Team will continue work on Sediment Transport Model codes SEDZL-JS and SEDZL-J.
- CPG will participate in monthly LPR/NB Modeling Program progress calls with EPA and EPA contractors.
- CPG will participate in the semi-annual LPR/NB Modeling Program Meeting scheduled for June 23, 2010.
- (d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.
 - None encountered.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.

Willard F. Potter Project Coordinator

Ms. S. Vaughn LPRSA RI/FS - Progress Report No. 36 – April 2010 May 17, 2010 Page 5 of 5

cc: Pat Hick, EPA Office of Regional Counsel Alice Yeh, EPA
William Hyatt, CPG Coordinating Counsel Lisa Baron, USACE
Tim Kubiak, USFWS
Reyhan Mehran, NOAA
Janine MacGregor, NJDEP
Elkins Green, NJDOT
Laura Kelmar, AECOM